

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

‘O’

Case No.	2:22-cv-06031-CAS-PVCx	Date	March 29, 2023
Title	GLOBAL MED GROUP, LLC v. NEW HIGH LTD		

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang
Deputy Clerk

Not Present
Court Reporter / Recorder

N/A
Tape No.

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

Proceedings: (IN CHAMBERS) - MOTION TO STRIKE GLOBAL MED GROUP, LLC’S PLEADINGS (Dkt. 42, filed on March 2, 2023)

Presently before the Court is the motion of defendant and counterclaimant New High Limited’s (“New High”) motion to strike plaintiff and counter-defendant Global Med Group, LLC’s (“Global Med”) complaint and answer to the first amended counterclaim, dkt. 1, 39. The Court finds that defendants’ motion is appropriate for decision without oral argument. See Fed. R. Civ. P. 78; C.D. Cal. L.R. 7-15. Accordingly, the matter is hereby taken under submission.

On March 2, 2023, New High Limited filed the instant motion to strike Global Med’s pleadings on the basis that Global Med, a Texas limited liability company, has forfeited its corporate status and privileges under the laws of the State of Texas and therefore lacks the authority to prosecute or defend actions in federal courts when subject matter jurisdiction is based on diversity jurisdiction. Dkt. 42 at 7 (citing Robinette v. Merrill Lynch, Pierce, Fenner & Smith, Inc., No. 3:96-CV-2923-D, , 2004 WL 789870, at *2 (N.D. Tex. Apr. 12, 2004)).¹

¹ Additionally, New High requests that the Court take judicial notice of thirteen court filings and orders in a related case that was also brought before this Court, New High Limited v. Global Merch Group, LLC, Case No. 2:21-cv-09608-CAS-PVC. See Dkt. 42-8, Exs. 1–13. Because this Court may take judicial notice of court filings in related proceedings, see Asdar Group v. Pillsbury, Madison & Sutro, 99 F.3d 289, 290 n. 1 (9th Cir. 1996), and because Global Med has not opposed this request for judicial notice, the Court hereby grants New High’s request to take judicial notice of Exhibits 1–13 at Dkt. 42-8.

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On March 13, 2023, Global Med filed an opposition, stating that it has taken the requisite steps to reinstitute its corporate status in Texas and expects to be “placed in good standing with the Texas Secretary of State” before the end of the month. Dkt. 43 at 1. Accordingly, Global Med explained that “once Global Med is reinstated by the Texas Secretary of State, that reinstatement takes effect retroactively to the first date of suspension.” Id. at 4 (citing Tex. Bus. Orgs. Code § 11.206(a)(1)).

On March 15, 2023, Global Med filed a supplemental declaration attaching a true and correct copy of the Acknowledgment and Certificate of Filing by the Texas Secretary of State reflecting Global Med’s reinstatement. See Dkt. 44-1.

On March 20, 2023, New High filed a reply stating that it does not object to the denial of its motion to strike. Dkt. 45 at 3.

In light of the fact that Global Med’s corporate status in Texas has been reinstated, the Court hereby **DENIES** New High’s motion to strike as moot.

IT IS SO ORDERED.

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Initials of Preparer	CMJ			